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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,046	02/02/2004	Parag Parikh	2	9503
7590 07/14/2005				
Ryan, Mason & Lewis, LLP				
Suite 205				
1300 Post Road				
Fairfield, CT 06824				
		EXAMINER		
		KINKEAD, ARNOLD M		
		ART UNIT		
		2817		
		PAPER NUMBER		

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/770,046

Applicant(s)

PARIKH, PARAG

Examiner

Arnold M. Kinhead

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 23 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 8-22, 24-26, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner:  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0204

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,6,7, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mar (US 6,114,914).

The reference by Mar discloses a clock generation circuit that changes(slews) a clock frequency from an initial frequency to a final clock frequency by using a VCO(106) with a plurality of phase outputs(Taps A..N) a modulator(108' ) coupled to the output of the oscillator(see figure s 4 and 5), whereby an initial clock frequency is used to set a frequency divider value, see col. 4, lines 7-23, where the frequency divider is adjusted to a final frequency divider value as desired using one of the plurality of phase outputs. Please note the feedback clock is “ modulated” by way of these steps A-D, as the modulator is updated from the initial period at step A through the last period when the desired output frequency is achieved. The feedback divider (122) and MUX(126) are shown in (108), along with PFD(102), inherent charge pump and loop filter(104).The method steps being inherent.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 23, 28, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Mar(' 914) in view of Mastrocola et al(US 6,356,132).

The reference by Mar discloses a clock generation circuit that changes(slews) a clock frequency from an initial frequency to a final clock frequency by using a VCO(106) with a plurality of phase outputs(Taps A..N) a modulator(108' ) coupled to the output of the oscillator(see figures 4 and 5), whereby an initial clock frequency is used to set a frequency divider value, see col. 4, lines 7-23, where the frequency divider is adjusted to a final frequency divider value as desired using one of the plurality of phase outputs. Please note the feedback clock is " modulated" by way of these steps A-D, as the modulator is updated from the initial period at step A through the last period when the desired output frequency is achieved. The feedback divider (122) and MUX(126) are shown in (108), along with PFD(102), inherent charge pump and loop filter. The method steps being inherent.

The reference does not suggest integration for the clock generator, however, these clock generators are utilized for providing timing in digital circuits and are implemented as <sup>ICs</sup> ~~ICs~~. The reference by Mastrocola et al serves to highlight this fact , see col. 1, lines 10-28. These circuits are complex and integrating them allows for a more compact clock generation means.

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In light of the above it would have been obvious to make the clock circuit of Mar an integrated circuit so as to allow for a more compact and cleaner interface when all the circuit elements are formed on a common substrate. This is noted in Mastrocola et al.

*Allowable Subject Matter*

Claims 3<sup>5</sup>5, 8-22, 24, 25, 26, and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold M. Kinkead whose telephone number is 571-272-1763. The examiner can normally be reached on Mon-Fri, 8:30 am -5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Arnold M Kinkead

Primary Examiner

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Arnold Kinkead

July, 08, 2005